

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEVI WARNER,

Defendant.

8:04CR56

ORDER

Defendant Levi Warner appeared before the court on Wednesday, January 24, 2007 on a Second Petition for Warrant or Summons for Offender Under Supervision [41]. The defendant was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, the defendant waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention. Through counsel, the defendant declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Through counsel, the defendant argued for release. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is not a flight risk, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Chief Judge Bataillon.

I find that the Report alleges probable cause and that the defendant should be held to answer for a final dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No.3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **February 8, 2007 at 1:00 p.m.** Defendant must be present in person.

2 The defendant, Levi Warner, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 25th day of January, 2007.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge